

May 5, 1999

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
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REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL

SUBJECT: Department of Natural Resources, Water and Land Resources Division File
No. **E98CT100**
Proposed Ordinance No. **99-0118**

Open Space Taxation (Public Benefit Rating System)
Application of **BARBARA and JAMES KAJIYA**
31433 NE Big Rock Road
Duvall, WA 98019

Location
of property: 12116 286th Avenue Northeast

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve 17.53 acres for 30% of market value
Department's Final:	Approve 17.53 acres for 30% of market value
Examiner:	Approve 17.53 acres for 30% of market value

PRELIMINARY MATTERS:

The Department of Natural Resources, Water and Land Resources Division Preliminary Report on Item No. E98CT100 was received by the Examiner on March 3, 1999.

PUBLIC HEARING:

After reviewing the Department of Natural Resources, Water and Land Resources Division Report and examining available information on file with the application, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. E98CT100 was opened by the Examiner at 10:30 am, April 14, 1999, and closed at 10:34 a.m.

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owner:	Barbara and James Kajiya 31433 NE Big Rock Road Duvall, WA 98019
Location:	12116 286 th Avenue Northeast
Zoning:	RA 5
Acreage:	
Property Total:	18.41 acres
Subject to Application:	17.58 acres
Recommended:	17.53 acres
STR:	NW-SE/30-26-07
Subject of Request:	
Priority Resources:	Surface water quality buffer area Significant plant, wildlife, or salmonid habitat area
Bonus Categories:	Resource restoration Bonus surface water quality buffer area

2. Except as modified herein, the facts set forth in the King County Department of Natural Resources, Water and Land Resources Division Preliminary Report to the King County Hearing Examiner for the April 14, 1999, public hearing are found to be correct and are incorporated herein by this reference. Copies of the said Report will be attached to the copies of this Report submitted to the King County Council.

CONCLUSIONS:

1. Approval of current use valuation for 17.53 acres of the subject property, pursuant to the Public Benefit Rating System adopted by King County Ordinance No. 10511, would be consistent with the purposes and intent of King County to maintain, preserve, conserve and otherwise continue in existence adequate open space lands and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of King County and its citizens.
2. Timely application has been made to King County for the current use valuation of the subject property to begin in 2000. Notice of said application was given in the manner required by law.
3. The subject property contains priority open space resources and is entitled to bonus points pursuant to the King County Public Benefit Rating System, which justify a total award of 18 points. The resulting current use value is 30% of market value for 17.53 acres of the subject property.

RECOMMENDATION:

APPROVE the request of for current use valuation of 30% of market value for 17.53 acres of the subject property, subject to the conditions recommended in the Department of Natural Resources report for the April 14, 1999, public hearing.

Current use valuation shall be subject to all terms and conditions of RCW 84.34 and King County Code Chapter 20.36, as the same may be amended from time to time, and all regulations and rules duly adopted to implement state law and county ordinances pertaining to current use valuation.

RECOMMENDED this 5th day of May, 1999.

James N. O'Connor
King County Hearing Examiner

TRANSMITTED this 5th day of May, 1999, to the following parties and interested persons:

Barbara & James Kajiya
Susan Monroe

Charlie Sundberg
Ted Sullivan

Monica Clarke
Tom Beavers

**NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED**

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) *on or before May 19, 1999*. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council *on or before May 26, 1999*. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer

action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council on a recommendation of the Examiner shall be final and conclusive unless within twenty (20) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

MINUTES OF THE APRIL 14, 1999, PUBLIC HEARING ON DEPARTMENT OF NATURAL RESOURCES FILE NO. E98CT100 – KAJIYA:

James O'Connor was the Hearing Examiner for this matter. Also participating in the hearing were Tom Beavers and Ted Sullivan.

The following exhibits were offered and entered into the hearing record:

- Exhibit No. 1 Omitted
- Exhibit No. 2 Omitted
- Exhibit No. 3 Omitted
- Exhibit No. 4 Staff report, dated April 14, 1999
- Exhibit No. 5 Legal Notice to Council, dated February 24, 1999
- Exhibit No. 6 Introductory Ordinance to Council, dated March 8, 1999
- Exhibit No. 7 Affidavit of Publication Received, dated March 15, 1999
- Exhibit No. 8 Notification to Applicant of Hearing dated April 2, 1999
- Exhibit No. 9 Application signed/notarized, dated December 28, 1998
- Exhibit No.10 Legal Description of designated open space
- Exhibit No.11 Assessor map
- Exhibit No.12 King County Situs Report
- Exhibit No.13 King County Assessor's database
- Exhibit No.14 Site map (Refer to Exhibit No. 9)
- Exhibit No.15 Arcview map
- Exhibit No.16 Notice of Hearing, Office of Hearing Examiner, dated March 12, 1999
- Exhibit No.17 Restoration Plan Approval e-mail
- Exhibit No.18 Restoration Plan

JNOC:daz

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